

I. In The Claims

Please amend the affected claims as set forth below. These amendments represent the un-entered amendments made in Applicant's paper filed July 6, 2004, with the addition of further amendment to claim 56 deleting the occurrence of the term "non-olefinic" in lines 8-9.

**Claim 1 (Withdrawn).** A melt-processible polymeric material comprising:

a major portion of an olefinic polymer component selected from at least one of polyalkylenes, copolymers of polyalkylenes, wherein at least one alkylene monomeric unit contains between 2 and 6 carbon atoms; and

a minor portion of a non-olefinic polymer component selected from at least one of thermoplastic polyamides, thermoplastic polyesters derived from ethylene glycol, thermoplastic polycarbonate and amorphous thermoplastic rubbers;

wherein the major portion and the minor portion are present in orientable alloyed relationship.

**Claim 2 (Withdrawn).** The melt processible polymeric material of claim 1 wherein the olefinic polymer component has a first melt flow index and the polymer component composing the minor portion has a second melt flow index, wherein the first melt flow index is lower than the second melt flow index.

**Claim 3 (Withdrawn).** The melt processible polymeric material of claim 1 wherein the olefinic polymer component is at least one of polypropylene and copolymers of polypropylene.

**Claim 4 (Withdrawn).** The melt processible polymeric material of claim 3 wherein the thermoplastic polyamide contains at least one of polyamide 6, polyamide 6,6, polyamide 11, polyamide 12.

**Claim 5 (Withdrawn).** The melt processible polymeric material of claim 3 wherein the thermoplastic polyester derived from ethylene glycol is at least one of polyethylene terephthalate, polybutylene terephthalate and polytetramethylene terephthalate.

**Claim 6 (Withdrawn).** The melt processible polymeric material of claim 3 wherein the at thermoplastic polycarbonate is at least one of straight chain polycarbonate and branched polycarbonate.

**Claim 7 (Withdrawn).** The melt processible polymeric material of claim 1 wherein the major portion of the olefinic polymer component is present in an amount between 40 and 95% by material weight and wherein the polymer of the minor portion is present in an amount between 10 and 35% by material weight.

**Claim 8 (Withdrawn).** The melt processible polymeric material of claim 7 wherein the olefinic polymer is present in an amount between 65 and 85% by material weight and wherein the polymer component of the minor portion is present in an amount between 15 and 30% by material weight.

**Claim 9 (Withdrawn).** The melt processible polymeric material of claim 6 wherein the melt processible material is granular or pelletized material and wherein the polymer of the minor portion is randomly dispersed within the major portion.

**Claims 10-12 (Cancelled).**

**Claim 13 (Withdrawn).** A melt-processible polymeric material comprising:

a major portion of an olefinic polymer component selected from at least one of polyalkylenes, copolymers of polyalkylenes, wherein at least one alkylene monomeric unit contains between 2 and 6 carbon atoms, the olefinic polymer having a first melt flow index; and

a minor portion of a non-olefinic thermoplastic polymer component, the non-olefinic thermoplastic polymer having a second melt flow index and selected from the group consisting of thermoplastic polyamides, thermoplastic polyesters derived from ethylene glycol, and thermoplastic polycarbonates;

wherein the first melt flow index is lower than the second melt flow index.

**Claims 14-17 (Cancelled).**

**Claim 18 (Withdrawn).** The melt processible polymeric material of claim 13 wherein the olefinic polymer is selected from at least one of polypropylene and copolymers of polypropylene.

**Claim 19 (Withdrawn).** The melt processible polymeric material of claim 18 wherein the non-olefinic thermoplastic is a thermoplastic polyamide selected from at least one of polyamide 6, polyamide 6,6, polyamide 11 and polyamide 12.

**Claim 20 (Withdrawn).** The melt processible material of claim 18 wherein the thermoplastic polyester derived from ethylene glycol is at least one of polyethylene terephthalate and polytetramethylene terephthalate.

**Claim 21 (Withdrawn).** The melt processible polymeric material of claim 18 wherein the thermoplastic polycarbonate is at least one of straight chain polycarbonate and branched polycarbonate.

**Claim 22 (Withdrawn).** The melt processible polymeric material of claim 18 wherein the major portion of olefinic material is present in an amount between 40 and 95% by material weight and wherein the non-olefinic thermoplastic polymer of the minor portion is present in an amount between 10 and 35% by material weight.

**Claims 23-24 (Cancelled).**

**Claim 25 (Withdrawn).** The molded work piece of claim 24 wherein the at least one non-olefinic polymer component is a thermoplastic polyamide from at least one of polyamide 6, polyamide 6,6, polyamide 11 and polyamide 12.

**Claim 26 (Cancelled).**

**Claim 27 (Withdrawn).** The molded work piece of claim 24 wherein the at least one non-olefinic polymer compound is selected from at least one of linear polycarbonates and branched polycarbonates.

**Claims 28-30 (Cancelled).**

**Claim 31 (Withdrawn).** A method for preparing a polymeric composition suitable for use in molding processes, the method comprising the steps of:

agitating an amount of a non-olefinic thermoplastic, the non-olefinic thermoplastic having a first elevated processing temperature, the agitation progressing for an interval and at an temperature sufficient to maintain the thermoplastic polyamide in an essentially molten state wherein the non-olefinic thermoplastic polycarbonates;

adding an amount of thermoplastic polyolefin to the agitating non-olefinic thermoplastic, the amount of thermoplastic polyolefin added being greater than the amount of non-olefinic thermoplastic, wherein the polyolefin added is

maintained at a temperature below the first elevated temperature and results in a temperature decrease to a second temperature, the second temperature sufficient to maintain the added polyolefin in a molten state;

compounding molten non-olefinic thermoplastic and added thermoplastic polyolefin for an interval sufficient to accomplish random dispersion of discrete regions of non-olefinic thermoplastic in a thermoplastic polyolefin matrix; and cooling the molten dispersion to a temperature below which solidification of the resulting thermoplastic compound occurs.

**Claim 32 (Withdrawn).** The method of claim 31 wherein the thermoplastic polyolefin is selected from at least one of polyalkylenes, copolymers of polyalkylenes, wherein at least one alkylene monomeric unit contains between 2 and 6 carbon atoms.

**Claim 33 (Withdrawn).** The method of claim 32 wherein the thermoplastic polyolefin has a first melt flow index and the non-olefinic thermoplastic has a second melt flow index, the first melt flow index being lower than the second melt flow index.

**Claim 34 (Withdrawn).** The method of claim 31 wherein said compounding step is accomplished by contacting combined thermoplastic materials in a knead melting mechanism sufficient to provide at least one region of high shear kneading.

**Claim 35 (Withdrawn).** The method of claim 31 wherein the thermoplastic polyolefin is added as a fluidized solid in a weight to weight ratio of greater than 1:1, polyolefin to non-olefinic thermoplastic respectively.

**Claim 36 (Withdrawn).** The method of claim 35 wherein the thermoplastic polyolefin is added as a fluidized solid in a weight to weight ratio of greater than 2:1, polyolefin to non-olefinic thermoplastic respectively.

**Claim 37 (Cancelled).**

**Claim 38 (Withdrawn).** The method of claim 31 wherein the thermoplastic polyamide is fed to an compounding vessel having at least one non-olefinic thermoplastic introduction port, the non-olefinic thermoplastic being introduced through the at least one non-olefinic thermoplastic introduction port on an essentially continuous manner, and wherein the thermoplastic polyolefin is fed into the compounding vessel through a polyolefin introduction portion in an essentially continuous, the polyolefin introduction port being located downstream of the non-olefinic thermoplastic introduction port.

**Claim 39 (Withdrawn).** The method of claim 38 wherein the thermoplastic polyolefin is selected from at least one of polyalkylenes, copolymers of polyalkylenes, wherein at least one alkylene monomeric unit contains between 2 and 6 carbon atoms.

**Claim 40 (Withdrawn).** The method of claim 39 wherein the non-olefinic thermoplastic is a thermoplastic polyamide selected from at least one of nylon 6, nylon 6,6, nylon 11, and nylon 12.

**Claim 41 (Withdrawn).** The method of claim 39 wherein the non-olefinic thermoplastic is a thermoplastic polyester derived from ethylene glycol and is selected from at least one of polybutylene terephthalate, polyethylene terephthalate and polytetramethylene terephthalate.

**Claim 42 (Withdrawn).** The method of claim 39 wherein the non-olefinic thermoplastic is a thermoplastic polycarbonate selected from at least one of linear polycarbonate and branched polycarbonates.

**Claim 43 (Withdrawn).** The method of claim 38 wherein the thermoplastic polyolefin is added as a fluidized solid in a weight to weight ratio of greater than 1:1, polyolefin to non-olefinic thermoplastic respectively.

**Claim 44 (Withdrawn).** The method of claim 43 wherein the thermoplastic polyolefin is added as a fluidized solid in a weight to weight ratio of greater than 2:1, polyolefin to non-olefinic thermoplastic respectively.

**Claim 45 (Withdrawn).** A method for preparing a polymeric composition suitable for use in injection molding processes, the method comprising the steps of:

agitating an amount of a non-olefinic thermoplastic selected from at least one of thermoplastic polyamides, thermoplastic polyesters derived from ethylene glycol and thermoplastic polycarbonates at a first elevated processing temperature, the agitation progressing for an interval and at a temperature sufficient to maintain the thermoplastic polyamide in an essentially molten state;

adding an amount of thermoplastic polyolefin to the agitating non-olefinic thermoplastic, the amount of thermoplastic polyolefin added being greater than the amount of agitating non-olefinic thermoplastic, wherein the added polyolefin is maintained at a temperature below the first elevated temperature and induces in composition temperature decrease to a second temperature, the second temperature sufficient to maintain the added polyolefin in a molten state;

compounding molten non-olefinic thermoplastic and added thermoplastic

polyolefin for an interval sufficient to accomplish random dispersion of discrete regions of thermoplastic non-olefinic thermoplastic in a thermoplastic polyolefin matrix; and cooling the molten dispersion to a temperature below which solidification occurs.

**Claim 46 (Withdrawn).** The method of claim 45 wherein the thermoplastic polyolefin is selected from at least one of polyalkylenes, copolymers of polyalkylenes, wherein at least one alkylene monomeric unit contains between 2 and 8 carbon atoms.

**Claim 47 (Withdrawn).** The method of claim 45 wherein the thermoplastic polyolefin is selected from at least one of polypropylene and copolymers of polypropylene.

**Claim 48 (Withdrawn).** The method of claim 45 wherein the random dispersion of discrete regions of non-olefinic thermoplastic in a thermoplastic polyolefin matrix is characterized by an olefinic matrix which comprises between 40 and 85% by total material weight and a non-olefinic portion which comprises between 10 and 35% by material weight.

**Claim 49 (Withdrawn).** The method of claim 45 wherein said compounding step is accomplished by contacting combined thermoplastic materials with a twin screw blade having a rotation and orientation sufficient to provide at least one region of high shear.

**Claim 50 (Withdrawn).** The method of claim 49 wherein the thermoplastic polyolefin has a first melt flow index and the non-olefinic thermoplastic has a second melt flow index, the first melt flow index being lower than the second melt flow index.

**Claim 51 (Withdrawn).** The method of claim 49 wherein the thermoplastic polyolefin is added as a fluidized solid in a weight to weight ratio of greater than 1:1, polyolefin to non-olefinic thermoplastic respectively.

**Claim 52 (Withdrawn).** The method of claim 44 wherein the thermoplastic polyolefin is added as a fluidized solid in a weight to weight ratio of greater than 2:1, polyolefin to non-olefinic thermoplastic respectively.

**Claim 53 (Currently Amended).** A melt-processible polymeric material comprising:

A major portion of an olefinic polymer component selected from the group consisting of polyalkylenes, copolymers of polyalkylenes, and mixtures thereof, the olefinic polymer component further characterized in that at least one alkylene monomer thereof contains from 2 to 6 carbon atoms;

A minor portion of a ~~non-olefinic~~ polymer component selected from the group consisting of thermoplastic polyamides, thermoplastic polyesters ~~derived from ethylene glycol~~, thermoplastic polycarbonate, amorphous thermoplastic rubbers, and mixtures thereof;

Wherein the major portion and the minor portion are present in orientable alloyed relationship; and

Further comprising at least one primary migratory compatibilizer present in an amount sufficient to promote orientational positioning of the major olefinic polymer portion relative to the minor ~~non-olefinic~~ polymer portion upon application of an orientational inducement force.

**Claim 54 (Currently Amended).** The melt processible polymeric material of claim 53, wherein the at least one primary migratory compatibilizer is a material capable of promoting bonding at interfacial locations between the ~~non-olefinic~~ minor portion polymer and the olefinic polymer.

**Claim 55 (Previously Presented).** The melt processible polymeric material of claim 53, wherein the at least one primary migratory compatibilizer is a siloxane oil.

**Claim 56 (Currently Amended).** A melt-processible polymeric material comprising:

A major portion of an olefinic polymer component selected from the group consisting of polyalkylenes, copolymers of polyalkylenes, and mixtures thereof, the olefinic polymer component further characterized in that at least one alkylene monomer thereof contains from 2 to 6 carbon atoms, the olefinic polymer having a first melt flow index;

A minor portion of a ~~non-olefinic~~ thermoplastic polymer component, the ~~non-olefinic~~ thermoplastic polymer component having a second melt-flow index and selected from the group consisting of thermoplastic polyamides, thermoplastic polyesters ~~derived from ethylene glycol~~, thermoplastic polycarbonates, and mixtures thereof;

Wherein the first melt flow index is lower than the second melt flow index; and

Further comprising at least one compatibilizer present in an amount sufficient to promote orientational positioning of the ~~non-olefinic~~ minor portion thermoplastic polymer relative to the olefinic polymer upon application of an orientational inducement force.

**Claim 57 (Currently Amended).** The melt processible polymeric material of claim 56, wherein the at least one compatibilizer is a material capable of promoting bonding at interfacial locations between the olefinic polymer and ~~non-olefinic~~ minor portion thermoplastic polymer.

**Claim 58 (Currently Amended).** The melt processible polymeric material of claim 56, further comprising at least a second compatibilizer present in an amount sufficient to promote orientational positioning of the olefinic polymer of the major portion relative to the ~~non-olefinic~~ thermoplastic polymer of the minor portion upon application of an orientational inducement force.

**Claim 59 (Currently Amended).** The melt processible polymeric material of claim 56, further comprising at least a second compatibilizer, ~~the at least second compatibilizer present in an amount below that required to provide effective functionalization for the polymeric components, the second migratory compatibilizer selected from the group consisting of maleic anhydride, copolymers of maleic anhydride and olefinic compounds having monomeric units of at least 2 to 6 carbon atoms, maleic anhydride rubbers, and mixtures thereof.~~

**Claim 60 (Currently Amended).** A molded workpiece having at least one outwardly oriented surface and an interior region, the molded workpiece composed of a thermoplastic material, the thermoplastic material comprising:

an olefinic polymer component selected from the group consisting of polyalkylenes, copolymers of polyalkylenes, and mixtures thereof, the olefinic polymer component further characterized in that at least one alkylene monomer thereof contains from 2 to 6 carbon atoms; and

~~at least one non-olefinic polymer component, the non-olefinic further polymer component selected from the group consisting of thermoplastic polyamides, thermoplastic polycarbonates, thermoplastic polyesters derived from ethylene glycol, amorphous thermoplastic rubbers, and mixtures thereof; and~~

at least one compatibilizing agent;  
wherein the at least one ~~non-olefinic~~ further polymer component is present at elevated concentrations relative to the olefinic polymer component at a region proximate to the outwardly oriented surface of the workpiece and the olefinic polymer component is present in concentrations relative to the ~~non-olefinic~~ at least one further polymer component in the interior region of the workpiece and wherein the at least one compatibilizing agent is present at interfacial regions between the ~~non-olefinic~~ at least one further polymer component and the olefinic polymer component.

**Claim 61 (Previously Presented).** The molded workpiece of claim 60, wherein the olefinic polymer component is selected from the group consisting of polypropylene, copolymers of polypropylene, and mixtures thereof.

**Claim 62 (Currently Amended).** The molded workpiece of claim 61 .. wherein the thermoplastic polyester is selected from the group consisting of polybutylene terephthalate, polyethylene terephthalate, polytetramethylene terephthalate, and mixtures thereof.

**Claim 63 (Currently Amended).** The molded workpiece of claim 60, wherein the thermoplastic material is oriented such that the at least one ~~non-olefinic~~ further component has a concentration gradient throughout the workpiece and a concentration maximum proximate to the outwardly oriented surface of the workpiece.

**Claim 64 (Previously Presented).** The molded workpiece of claim 61, wherein the olefinic component is selected from the group consisting of polypropylene, copolymers of polypropylene, and mixtures thereof.

**Claim 65 (Currently Amended).** The molded workpiece of claim 61, wherein the compatibilizing agent is siloxane oil present at interfacial regions throughout the workpiece, wherein the ~~non-olefinic~~ at least one further polymer component comprises polyamides, and wherein further the interfacial regions are characterized as having at least some polyamide polymer and at least some olefinic polymer in coordinated contact therewith.

**Claim 66 (Currently Amended).** A method of preparing a polymeric composition suitable for ~~as use~~ in molding processes, the method comprising the steps of:

Agitating an amount of a ~~non-olefinic~~ first thermoplastic, the ~~non-olefinic~~ first thermoplastic having a first elevated processing temperature, the agitation progressing for an interval and at a temperature sufficient to maintain the first thermoplastic ~~polyamide~~ in an essentially molten state wherein the ~~non-olefinic~~ first thermoplastic is ~~at least one selected from the group consisting of~~ thermoplastic polyamides, thermoplastic polyesters derived from ethylene glycol, and thermoplastic polycarbonates , and mixtures thereof;

Adding an amount of thermoplastic polyolefin to the agitating ~~non-olefinic~~ first thermoplastic, the amount of thermoplastic polyolefin added being greater than the amount of ~~non-olefinic~~ first thermoplastic, wherein the polyolefin added is maintained at a temperature below the first elevated temperature and results in a temperature decrease to a second temperature, the second temperature sufficient to maintain the added polyolefin in a molten state;

Compounding molten ~~non-olefinic~~ first thermoplastic and added thermoplastic polyolefin for an interval sufficient to accomplish random dispersion of discrete regions of ~~non-olefinic~~ first thermoplastic in a thermoplastic polyolefin matrix;

Cooling the molten dispersion to a temperature below which solidification of the resulting thermoplastic compound occurs; and

Further comprising the step of adding at least one compatibilizing agent into the ~~non-olefinic first~~ thermoplastic during the initial agitation stage, wherein the at least one compatibilizing agent is essentially non-reactive to the ~~non-olefinic first~~ thermoplastic and polyolefin constituents while resident in the compounding vessel.

**Claim 67 (New).** The melt-processible polymeric material of claim 53, wherein the minor portion polymer component is selected from the group consisting of thermoplastic polyamides, thermoplastic polyesters derived from ethylene glycol, thermoplastic polycarbonate, amorphous thermoplastic rubbers, and mixtures thereof.

**Claim 68 (New).** The melt-processible polymeric material of claim 56, wherein the minor portion polymer component is selected from the group consisting of thermoplastic polyamides, thermoplastic polyesters derived from ethylene glycol, thermoplastic polycarbonate, amorphous thermoplastic rubbers, and mixtures thereof.

**Claim 69 (New).** The molded workpiece of claim 60, wherein the at least one further polymer component is selected from the group consisting of thermoplastic polyamides, thermoplastic polycarbonates, thermoplastic polyesters derived from ethylene glycol, amorphous thermoplastic rubbers, and mixtures thereof.

**Claim 70 (New).** The method of claim 66, wherein the first thermoplastic is selected from the group consisting of thermoplastic polyamides, thermoplastic polyesters derived from ethylene glycol, and thermoplastic polycarbonates, and mixtures thereof.

**Claim 71 (New).** The melt-processible polymeric material of claim 59, wherein the at least second compatibilizer is present in an amount less than that required to effect

substantially homogenous integration of the minor portion thermoplastic polymer relative to the olefinic polymer.

II. Double Patenting Rejections

The examiner imposes upon the elected claims an "obviousness-type" double patenting rejection in view of Applicant's issued U.S. Pat. No. 6,670,421 B1. Applicant disagrees with the basis for the rejection. Nevertheless, and with the understanding that such does not constitute an admission as to the propriety of the double-patenting rejection, *see Quad Environmental Technologies Corp. v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991), a terminal disclaimer, executed by an authorized representative of ACI Technologies, LLC, owner of the instant application as well as U.S. Pat. No. 6,670,421 B1, is submitted herewith.<sup>1</sup>

Applicant further notes the imposition of a provisional "obviousness-type" double patenting rejection in view of Applicant's co-pending application Serial No. 10/666,719, which application is a divisional of the instant case. Inasmuch as the claims of the '719 application represent those claims withdrawn from consideration in the instant application in the face of the examiner's restriction requirement, Applicant respectfully submits that the instant provisional "obviousness-type" double-patenting rejection is improper under 35 U.S.C. Section 121.

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<sup>1</sup> Further submitted herewith is ACI Technologies, LLC's Statement Under 37 CFR Section 3.73(b), and accompanying evidence establishing its ownership of the instant application.